

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

-----X
IN RE:

Chapter 7

MELVIN SMALLS &
MAXINE E. ESPINOZA-SMALLS
AKA MAXINE ESPINOZA,

Case No.: 18-43227(CEC)

Debtors.

-----X
WILMINGTON PT CORPORATION

Adv. Proc. No. 19-01020(CEC)

Plaintiff,

-against-

U.S. BANK NATIONAL ASSOCIATION,

Defendants.

-----X

**ORDER DENYING DEFENDANT’S MOTION SEEKING TO DISMISS
COMPLAINT AS TO SECURED CREDITOR**

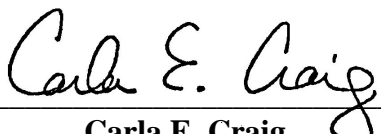
Upon consideration of the Motion Seeking To Dismiss Complaint As to Secured Creditor (ECF Doc. No.: 9) (the “Motion”) filed on April 26, 2019 by U.S. Bank National Association (the “Defendant” or “U.S. Bank”), the Memorandum of Law In Opposition (ECF Doc. No.: 10) (the “Opposition”) filed on May 9, 2019 by Wilmington PT Corporation (“Wilmington” or “Plaintiff”), the Reply Memorandum of Law in (the “Reply”) (ECF Doc. No.: 11) (the “Reply”) filed on May 31, 2019 by Defendant, the Oral Argument occurring on June 4, 2019, the Supplemental Memorandum of Law In Opposition (the “Supplemental Opposition”) (ECF Doc. No.: ~~13~~ **12** (**CEC**)) filed on June 13, 2019 by Plaintiff, the Response to Plaintiff’s Supplemental Opposition (ECF Doc. No.: 13) filed on June 21, 2019 by Defendant, and the Oral Argument taking place on June 27, 2019 ~~it appears the Motion should be denied.~~ (**CEC**)

IT IS HEREBY ORDERED THAT:

1. The Motion is denied in all respects *for the reasons stated on the record at the June 27, 2019 hearing (CEC)*;
2. That all discovery shall be completed by August 22, 2019; and
3. That a Pre-Trial Conference is scheduled for August 22, 2019 at 3:00PM.

**Dated: Brooklyn, New York
July 1, 2019**





Carla E. Craig
United States Bankruptcy Judge